

REMARKS

Reconsideration and allowance of the above-captioned patent application are respectfully requested. This application relates to 1-(amino)indanes and (1,2-dihydro-3-amino)-benzofurans, benzothiophenes and indoles as edg receptor agonists.

Claims 1 to 4, 7, 8, 10, 13, 14, 16 to 18, 20 to 26 and 40 are currently pending in the application. Claims 5, 6, 9, 11, 12, 15, 19, 27 to 39, 41 and 42 were canceled in the Preliminary Amendment dated May 27, 2005. This instant Amendment cancels Claims 2, 16 and 26, amends Claims 1 and 24, and corrects a minor error in the specification. Upon entry of this Amendment, Claims in the application will be Claims 1, 3, 4, 7, 8, 10, 13, 14, 17, 18, 20 to 25 and 40.

Claims 1 (in part), 2 to 4 (in part), 7 and 8 (in part), 10 (in part), 13 and 14 (in part), 16, 17 to 18 (in part), 24 (in part) and 40 (in part) have been objected to as dependent on claims that have been withdrawn from consideration. The disclosure has been objected to because the continuing data is incorrect. Claim 26 has been rejected for non-enablement pursuant to 35 U.S.C. §, first paragraph.

All objections and rejection pertaining to Claims 2, 16 and 26 are rendered moot by their cancellation.

The Examiner has required restriction of the pending claims and an election of one of Groups I to V as outlined in the Office Action dated November 9, 2006. Applicants hereby confirm the election of Group I with traverse and the species of Example 1, page 20. Applicants have amended the pending claims such that they relate only to Group I subject matter and withdraw any further traversal. As a result, Applicants respectfully request withdrawal of the objection to Claims 1 (in part), 3 and 4 (in part), 7 and 8 (in part), 10 (in part), 13 and 14 (in part), 17 to 18 (in part), 24 (in part) and 40 (in part) as dependent on claims withdrawn from consideration.

The amendment of the claims to cover Group I subject matter only was made for purposes of advancing prosecution of the instant application and should not be construed as an

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admission that the restriction requirement was proper. Applicants reserve the right to prosecute non-elected subject matter in one or more future divisional application.

Applicants have amended the disclosure to correct the continuing data as required by the Examiner.

Applicants submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Amendment may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

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